

GUIDELINES FOR NON-FTE TRAINEES FOR OFFICIAL DUTIES, PERSONAL CAPACITY ACTIVITIES AND AWARDS

PURPOSE

The government-wide Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635, and the HHS supplemental regulations, 5 CFR Part 5501, apply to only full-time equivalent (FTE) staff at the NIH. The policies that follow are meant to define expected conduct of a specific group of individuals at the NIH, non-FTE trainees, to whom the HHS-specific and government-wide ethics regulations do not apply. However, the NIH expects non-FTE trainees to use the principles behind these regulations as a guide with respect to their conduct.

DEFINITION

Non-FTE Trainee: is not a full-time equivalent (FTE) employee of the federal government. They are supported by stipends through the Intramural Research Trainee Award (IRTA), Cancer Research Training Award (CRTA) program, as a Visiting Fellow (VF), or have their funding provided by outside sources through research awards or other monies other than NIH funds. Other than health insurance, non-FTE trainees do not receive the benefits accorded to FTEs, or accrue annual or sick leave.

TYPE OF NON-FTE TRAINEES

1. Predoctoral trainees
 - a. Summer Interns: includes high school, undergraduate and medical/graduate students, 8-10 week duration
 - b. Predoctoral IRTA, CRTA or VF students holding a MS or enrolled in PhD, MD, DDS and DVM programs
 - c. Special Volunteer trainees with external support
 - d. Postbaccalaureate program
 - i. Graduates of US colleges or universities who plan to apply for graduate or medical school
 - ii. Students who have been accepted in graduate or medical school programs who have approval for delayed entrance of one year
 - e. Technical IRTA: individuals who have graduated from a US college or university with bachelor's or master's degrees, and are interested in advanced training for technical positions
2. Postdoctoral fellows
 - a. IRTA or CRTA (US citizens and permanent residents)
 - b. Visiting Fellow (Foreign nationals)
 - c. Special Volunteer trainees with external support

SUMMARY GUIDANCE

The lists below and the attached table illustrate a variety of activities in which NIH non-FTE trainees are often engaged, to identify those which are appropriate and those which are not permitted. These guidelines are designed to initiate conversations between the non-FTE trainee and his/her supervisor before the activity is initiated.

OFFICIAL DUTIES APPROPRIATE FOR NON-FTE TRAINEES

1. Writing
 - a. Papers for journal submission in collaboration with their scientific advisor describing current scientific work
 - b. Review articles in collaboration with their scientific advisor describing areas of specific scientific interest
 - c. Reference letter for colleague with whom they have worked while at NIH
2. Engaging in research collaborations with NIH or outside investigators in association with their scientific advisor
3. Participating in a professional organization or society as
 - a. Member or chair of a committee
 - b. Attendee of annual meeting
 - c. Speaker or panel participant at annual meeting
 - d. Presenter of a poster for annual meeting
4. Serving as Associate Investigator or Lead Associate Investigator on clinical protocols
5. Presenting a seminar or participating in a panel discussion

Documentation required for permitted official duty activities: [Trainee Review Form](#) signed by advisor. All travel requires an approved travel order. See your lab administrative officer for guidance.

OFFICIAL DUTIES NOT PERMITTED

1. Signing a CRADA with industry
2. Signing a MCRADA with industry
3. Serving as the Principle Investigator (PI) on clinical protocols (PI must be an NIH FTE)
4. Accepting sponsored travel via the 348 travel mechanism (note: there is a separate travel mechanism by which a non-FTE trainee may accept in-kind sponsored travel (not cash or reimbursement) – see [NIH Policy Manual 1500](#), Appendix 10A)

PERSONAL CAPACITY ACTIVITIES APPROPRIATE FOR NON-FTE TRAINEES

A. Compensated Activities*

1. Teaching
 - a. FAES class
 - b. Course or class within a course that is part of the established curriculum of an institution of higher learning
 - c. Grand Rounds
 - d. CME-accredited course
2. Providing personal care, treatment or other health-related services: those non-FTE trainees with appropriate credentials
3. Speaking at an outside activity approved by their advisor
4. Fellowship application review for non-governmental organization (may be compensated or uncompensated)
5. Writing
 - a. Invited paper that may involve royalties

- b. Journal article that is not specifically related to the non-FTE trainee's NIH research (i.e., based on his/her previous experience or education)
 - c. Textbook
- 6. Serving on a data and safety monitoring board under limited circumstances
- 7. Serving as a grant reviewer in limited circumstances
- 8. Serving as an expert witness in limited circumstances

*Foreign trainees (VF) with J-1 visas are not permitted compensation for work outside the NIH.

B. Uncompensated Activities

- 1. Preparation of grant applications for future non-NIH research (NIH equipment such as computers may not be used)
- 2. Speaking associated with job interviews, no travel orders
 - a. Absence approved by supervisor
 - b. Travel reimbursed or in kind
 - c. Honoraria not permitted

Documentation required for compensated and uncompensated activities: [Trainee Review Form](#) approved by advisor and copy to IC DEC. Include:

- Details of activity
- Hours involved
- Compensation to be received, if applicable (provide amount)

AWARDS

- 1. Scientific Meeting Awards (notification of award made prior to the meeting)
 - a. Awards are offered regularly and number of awards is constant from year to year.
 - b. Awards (cash) are accepted by the non-FTE trainee, and after consultation with his/her supervisor, may be used to defray the costs of attending the meeting.
 - c. Other gifts (e.g., plaques and/or tickets to meeting gala) may also be accepted by the non-FTE trainee.
 - d. Criteria for award based upon generally accepted standards for a scientific abstract submitted for meeting presentation.
 - e. Amount of award is fixed and supported by the sponsor, usually \$500-1,500.

Documentation required: [Trainee Review Form](#) must be approved by advisor.

- 2. Scientific Meeting Cash Prizes (notification of cash prize made at the meeting)
 - a. Cash prizes are offered on an irregular basis and the number of awards will vary, depending upon the pool of money available and decision of judges.
 - b. Cash prizes are accepted by the non-FTE trainee.
 - c. Criteria based upon the quality of the poster and trainee's presentation of the information displayed.
 - d. Amount of award (usually less than \$1,000) is based on:
 - i. Remainder of funds that supported the meeting.

- ii. Contributions from meeting supporters of a specified amount of money for these awards.

Documentation required: [Trainee Review Form](#) must be submitted to advisor within two weeks upon return from meeting. Hold check until review of Trainee Review Form is complete.

- 3. Professional Society Awards (notification of award made prior to presentation)
 - a. Presentation of awards may be on an irregular or annual basis.
 - b. Awards (cash) are accepted by the non-FTE trainee.
 - c. Other gifts (e.g., plaques, tickets and/or in-kind travel benefits to awards event, and society memberships) may also be accepted.
 - d. Criteria related to the overall quality of career research achievements; some may require short essay or statement.
 - e. Amount of award is fixed and supported by the society, may be greater than \$2,500 de minimis.

Documentation required:

- Awards less than \$2,500: [Trainee Review Form](#) must be approved by advisor.
- Awards greater than \$2,500: Trainee Review Form must be approved by the Office of the Deputy Director for Intramural Research and notification to SD.

For ALL types of awards, any documentation from awarding sponsor (e.g., award letter) must be included with Trainee Review Form for review, including criteria for the award.

To accept in-kind sponsored travel benefits, please refer to the [NIH Policy Manual 1500](#). Complete Appendices 10 and 10B. See Appendix 10A for related guidance.

NOTE: Awards and/or in-kind sponsored travel benefits where the funding is supported by federal government resources cannot be accepted by non-FTE trainees. Recipients of all cash awards may be subject to IRS regulations.

IMPORTANT INFORMATION ON GIFTS

The federal government has very strict rules on giving gifts to your supervisors (5 CFR 2635.301-304). In your status as a non-FTE trainee, these generally do not apply to you. However, the rules DO apply to your supervisor or other NIH officials, who may be prohibited, by law, from accepting a gift from a subordinate, except in limited circumstances. Please consult with an ethics official before offering a gift to your superior.